

## GAGE OF BATTLE DOWN.

JEROME TO HENDRICKS.

*Declares Equitable Testimony Was  
Promised.*

District Attorney Jerome yesterday afternoon made a formal demand on Robert H. Hunter, First Deputy State Superintendent of Insurance, at No. 11 Broadway, for an official copy of the testimony recently taken by Superintendent Hendricks in the Equitable investigation. He sent to Mr. Hunter a long letter, which was delivered at the Broadway office by Assistant District Attorney Garvan. Mr. Hunter had gone for the day, but had left a note saying he would meet Mr. Jerome's representative at 9:30 a. m. to-day.

In his letter to Mr. Hunter, Mr. Jerome gave some correspondence he had recently with Governor Higgins, beginning with a letter from the Governor on June 22, inclosing a copy of the preliminary report of Mr. Hendricks in the Equitable case, and saying in part:

Insurance law. If, in your judgment, any of the alleged facts, established by legal evidence, would constitute criminal misconduct, in the county of New-York, on the part of any person, I will, if you so desire, request the Superintendent to submit to you the evidence taken before him.

I fully appreciate the great importance of this matter, and would like to supplement my reading of the report of the Superintendent by a personal examination of the testimony submitted to him. I shall give the matter my personal attention, and

When I have arrived at some conclusion, I will take the liberty of informing you as to its nature, together with my reasons therefor.

On June 28 Governor Higgins sent to Mr. Jerome the following:

Your letter of June 24 is received. I have asked the Superintendent of Insurance to send you a copy of the testimony in the matter of the Equitable Society, which he has promised to do as soon as one can be prepared.

Speaking of the Governor's letters, Mr. Jerome said yesterday that apart from them he

had information that left no doubt in his mind that Governor Higgins had given an order to have a copy of the testimony sent to him as the prosecuting officer of New-York County. Knowing the intention of the Governor, therefore, he was surprised at the seeming unwillingness of Mr. Hendricks to furnish a copy of the testimony, and was more surprised that Mr. Hendricks had said the testimony was not furnished because it had not been asked for. Yesterday

Mr. Jerome received from Mr. Hunter the following note:

The Superintendent of Insurance has forwarded to this office a copy of the evidence taken in the investigation of the Equitable Life Assurance Society of the United States, and requests me to say to you that the evidence is accessible to you and at your command.

**USES DEDUCTIVE REASONING.**

Mr. Jerome referred to the note in his letter of yesterday afternoon, adding:

This afternoon a dispatch to The Associated Press quoted the Superintendent of Insurance as saying that Mr. Jerome wanted a copy of the testimony which he had taken from the witnesses. He asked why did he want it?

A copy of this testimony, not, at least, from me, neither at the New-York office nor the Albany office of this department. If he has ever asked for it we have not received any such request."

One copy of the testimony was made. It is at least the custom in my office to have three copies made of every letter or document of importance. I am a General, and one copy is evidently in the possession of "The New-York World," and your letter informs me that there is a copy in your possession, which, I suppose, accounts for three copies originally made. This morning I sent my assistant, Mr. Turnbull, to you, in view of your letter to me to ask that I receive a copy and promise by Governor in the letter of the 28th, there saying, as you will note: "I have asked the Superintendent of the

sureance to send you a copy of the testimony in the matter of the Equitable Society, which he has promised to do as soon as one copy be prepared by the Assistant Atty. Turbuh, informs me, in substance, that you said you would deliver a copy to me if I would give you something over my signature to show that the copy was the property of the Equitable Society. I have no objection to this. In addition, I state that I would return it within a reasonable time, and when called for.

It is always the habit of this office to receipt for papers, and to retain a second copy, in order to return papers to the custody where they belong, to return papers to the custody where they belong. It is not the custom of this office, nor will the District Attorney agree to return upon demand to subordinate a copy of the testimony to the custody of the Governor of the State of New York.

I regret that there should be any misunderstanding about this matter, and ask that you deliver to me, without qualification or conditions, the property taken by the Superintendent of Insurance, pursuant to the promise made by the Superintendent of Insurance to the Governor upon the delivery of this. I will receipt for it, and will answer to your superiors for its safe custody and return at the proper time. The bearer, Francis Garvan, one of my assistants, is authorized to receive and receipt for it.

In all probability, Mr. Jerome will receive the official copy of the testimony this morning.

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**SAYS JEROME DIDN'T ASK**

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*Handicaps Declared Denies Incident*

### Remarks Decried Depend Incident in Equitable "Ancient History."

Syracuse, July 13.—Superintendent Francis Hendricks to-day declined to discuss the leak by which the testimony taken in the Equitable investigation became public. He, however, had something to say about the comment by District Attorney Jerome to the effect that it was funny the news-

"If Jerome wanted a copy of the testimony, why didn't he ask for it?" said Mr. Hendricks. "He has never asked for a copy, at least not from me. If he has ever asked for it, we have not received it."

Asked as to why reference to the Depew Improvement Company and its exorbitant loan from the Equitable was not contained in the preliminary report, Mr. Hendricks said:

"That was ancient history. We had gone into

that before. We told them to call the loan. We marked the valuation of the property down to

\$150,000. They objected to that, and we told them that if we made any change it would be less. They then foreclosed the mortgage on the property, bid it in for \$50,000, and they have it yet."

Mr. Hendricks declined to discuss the Harriman incident.

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**EQUITABLE EVADED TAX.**

### Hendricks Testimony Officially Re-

*leased by Mr. Mayer.*

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, July 13.—The report of the testimony made public in unauthorized form several days ago was officially released by Attorney General

Careful perusal of the 944 pages of testimony shows that it was rather exhaustively treated in the first publication, but there are a few points of importance which were overlooked; one of the most significant of them is contained in the testi-

mony of John McGuinness, jr., who for twenty-one years has been in the employ of the society, and who now occupies a confidential position with Mr. Jordan, the Controller.

New-York City." This book shows that for many years affidavits were made by different officers of the society to the effect that the surplus earnings

of the company belonged to the assured, and not to the stockholders. These affidavits were made